

1st Sub. H.B. 268
DANGEROUS WEAPONS AMENDMENTS

Representative **Brian M. Greene** proposes the following amendments:

1. Page 1, Lines 9 through 16:

- 9 This bill redefines dangerous weapon ~~{-and exempts-}~~ , clarifies restrictions relating to
dangerous weapons, and establishes exemptions for the use of archery equipment ~~{-from the~~
10 definition-} for hunting and target shooting .
11 Highlighted Provisions:
12 This bill:
13 ▶ defines dangerous weapon as a firearm or an object which is used unlawfully to
14 inflict serious bodily injury;
15 ▶ ~~{-exempts archery equipment, including crossbows, from the definition of dangerous~~
16 weapon-} clarifies the criminal culpability of transferring a dangerous weapon to a restricted
person ;
▶ provides that a restricted person may own, possess, or have under the person's custody or
control, archery equipment, including crossbows, for the purpose of lawful hunting and target
shooting; and

2. Page 4, Lines 88 through 101:

- 88 (6) (a) "Dangerous weapon" means:
89 (i) a firearm; or
90 (ii) an ~~{-item-}~~ object that in the manner of its ~~{-unlawful-}~~ use or intended
~~{-unlawful-}~~ use is capable
91 of causing death or serious bodily injury.
92 (b) The following factors ~~[shall be]~~ are used in determining whether ~~[a knife, or~~
93 ~~another item]~~ any ~~{-instrument,-}~~ object ~~{-,or thing}~~ [not commonly known as a dangerous weapon]
94 other than a firearm is a dangerous weapon:
95 (i) the ~~{-character of the instrument,-}~~ location and context in which the object ~~{-,or~~
thing-} was used or possessed;
(ii) the primary purpose for which the object was made ;
96 ~~{-(ii)-}~~ (iii) the character of the wound, if any, produced~~[,-if any]~~ by ~~{-its-}~~ the object's
unlawful use;
97 ~~{-(iii)-}~~ (iv) the manner in which the ~~{-instrument,-}~~ object ~~{-,or thing}~~ was
unlawfully used; and
98 ~~{-(iv)-}~~ (v) the ~~[other]~~ lawful purposes for which the ~~{-instrument,-}~~ object ~~{-,or~~

~~thing~~} may be used.

99 (c) ~~{Unless specifically identified elsewhere in this code, nothing other than a firearm is~~
100 ~~considered a de facto dangerous weapon, and}~~ Whenever reasonably possible, a determination made
pursuant to Subsection

101 ~~(6)(b) {may}~~ shall be made ~~{only}~~ after an ~~{instrument,}~~ object ~~{or thing}~~ is used
in an unlawful or threatening manner.

3. Page 6, Line 179 through Page 7, Line 181:

179 (b) physically possesses, uses, or has under the person's immediate custody or control
180 any dangerous weapon other than a firearm while committing any felony or other violent
181 criminal offense , or any action that constitutes a serious threat to public safety is guilty of a third
degree felony.

4. Page 7, Lines 185 through 187:

185 (b) physically possesses, uses, or has under the person's immediate custody or control
186 any dangerous weapon other than a firearm while committing any felony or other violent
187 criminal offense , or any action that constitutes a serious threat to public safety is guilty of a class A
misdemeanor.

5. Page 9, Lines 266 through 268:

266 (2) It is not a violation of ~~{this chapter}~~ Subsection 76-10-503(2) or (3) for a person defined
in Section 76-10-503(1) to own, possess, or have under the
267 person's custody or control, archery equipment, including crossbows, for the purpose of lawful
268 hunting ~~{or}~~ and lawful target shooting.